



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,601	11/03/2004	Yoshihisa Harada	258192US2PCT	8005
22850 7590 12/20/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PHAN, TRI H	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 12/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/511,601

Applicant(s)

HARADA, YOSHIHISA

Examiner

Tri H. Phan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Communication(s)

1. This office action is in response to the Application filed on November 3rd, 2004. Claims 1-3 are now pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by **Gerszberg et al.** (U.S.6,452,923; hereinafter refer as '**Gerszberg**').

- In regard to claim 3, **Gerszberg** discloses *a communication apparatus, which comprises a multiplexing transmission unit for multiplexing and transmitting communication data* ('Intelligent services director/Integrated residential gateway ISD/IRD 22'; for example see figs. 1C and 5; col. 7, lines 9-26; col. 9, lines 11-20; wherein ISD/IRD multiplexes traffic from a plurality of analog/digital devices for transport voice and data to networks as disclosed in col. 14, lines 33-36; col. 16, lines 41-47); *and*
an operation monitoring control terminal for monitoring said multiplexing transmission unit ('controller 100' in ISD/IRD; for example see fig. 2; col. 9, lines 44-49; wherein the

processor 102 monitors and controls the devices' process as disclosed in col. 17, line 66 through col. 18, line 19),

said operation monitoring control terminal converting a signal inputted to said communication apparatus from outside into IP packets, and furnishing them to said multiplexing transmission unit (for example see figs. 2 and 5; col. 17, lines 66 through col. 18, line 19; wherein processor 102 in the controller 100 constructs voice into IP packets through protocol conversion process and transports data to other networks, including 'Internet' as specified in col. 11, lines 17-30, through IP bridge/router 106),

said multiplexing transmission unit multiplexing the IP packets furnished thereto from said operation monitoring control terminal and said communication data, and then transmitting them (for example see figs. 1C, 2; col. 16, lines 41-47; col. 17, line 66 through col. 18, line 19; where voice and data information are multiplexing and transporting data to other networks under the control of processor 102 in the controller 100).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gerszberg et al.** (U.S.6,452,923) in view of **Edholm, Phillip Karl** (U.S.6,449,269; hereinafter refer as '**Edholm**').

- In regard to claim 1, **Gerszberg** discloses *a communication apparatus* ('coax-facilities management platform C-FMP'; for example see fig. 1C), *which comprises*

a multiplexing transmission unit for multiplexing and transmitting communication data ('Intelligent services director/Integrated residential gateway ISD/IRD 22'; for example see figs. 1C and 5; col. 7, lines 9-26; col. 9, lines 11-20; wherein ISD/IRD multiplexes traffic from a plurality of analog/digital devices for transport voice and data to networks as disclosed in col. 14, lines 33-36; col. 16, lines 41-47);

an operation monitoring control terminal for monitoring said multiplexing transmission unit ('controller 100' in ISD/IRD; for example see fig. 2; col. 9, lines 44-49; wherein the processor 102 monitors and controls the devices' process as disclosed in col. 17, line 66 through col. 18, line 19).

Gerszberg does disclose 'digital devices' such as digital voice telephones, digital video phones, computers which connect to the ISD/IRD as disclosed in figs. 2 and 5; col. 9, lines 11-20; via the network interface devices 110, e.g. "*physical interface shared with operation monitoring control terminal*", as disclosed in fig. 2; col. 9, line 49 through col. 10, line 6; for transport information to other networks (see figs. 6A-B; col. 16, lines 41-47), including 'Internet' as specified in col. 11, lines 17-30; under the control of processor 102 in the controller 100, i.e. "*furnishing them to said multiplexing transmission unit via said operation monitoring control*

terminal”, as disclosed in fig. 2; col. 9, lines 44-49; col. 17, line 66 through col. 18, line 19; but fails to explicitly disclose “*IP terminal converting a signal inputted to said communication apparatus from outside into IP packets*”. However, such limitation lacks thereof from **Gerszberg** reference is well known and disclosed by **Edholm**.

In an analogous art, **Edholm** discloses an IP telephone (“*IP terminal*”) for connecting to networks such as LAN/WAN or Internet (for example see fig. 1; col. 4, lines 22-30); which converts voice acquired by the microphone into outbound IP packet as well as for converting inbound IP packets into analog form for play back, e.g. “*for converting a signal inputted to said communication apparatus from outside into IP packets*” (for example see col. 3, lines 32-39; col. 5, line 56 through col. 7, line 53).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Edholm**’s IP telephone in place of **Gerszberg**’s digital phone, with the motivation being to provide a telephony device which can simultaneously transmits and receives packetized streaming voice data without encumbrances imposed by existing data communication or protocols as disclosed in **Edholm**: col. 2, lines 17-23.

- Regarding claim 2, **Gerszberg** discloses *a communication apparatus* (‘coax-facilities management platform C-FMP’; for example see fig. 1C), *which comprises*

a multiplexing transmission unit for multiplexing and transmitting communication data (‘Intelligent services director/Integrated residential gateway ISD/IRD 22’; for example see figs. 1C and 5; col. 7, lines 9-26; col. 9, lines 11-20; wherein ISD/IRD multiplexes traffic from a

plurality of analog/digital devices for transport voice and data to networks as disclosed in col. 14, lines 33-36; col. 16, lines 41-47);

an operation monitoring control terminal for monitoring said multiplexing transmission unit ('controller 100' in ISD/IRD; for example see fig. 2; col. 9, lines 44-49; wherein the processor 102 monitors and controls the devices' process as disclosed in col. 17, line 66 through col. 18, line 19).

Gerszberg does disclose 'digital devices' such as digital voice telephones, digital video phones, computers which connect to the ISD/IRD as disclosed in figs. 2 and 5; col. 9, lines 11-20; for transport information to other networks (see figs. 1A, 1C; col. 16, lines 41-47), including 'Internet' as specified in col. 11, lines 17-30; under the control of processor 102 in the controller 100, i.e. "*furnishing them to said multiplexing transmission unit via said operation monitoring control terminal*", as disclosed in fig. 2; col. 9, lines 44-49; col. 17, line 66 through col. 18, line 19; but fails to explicitly disclose "*IP terminal for converting a signal inputted to said communication apparatus from outside into IP packets*". However, such limitation lacks thereof from **Gerszberg** reference is well known and disclosed by **Edholm**.

In an analogous art, **Edholm** discloses an IP telephone ("*IP terminal*") for connecting to networks such as LAN/WAN or Internet (for example see fig. 1; col. 4, lines 22-30); which converts voice acquired by the microphone into outbound IP packet as well as for converting inbound IP packets into analog form for play back, e.g. "*for converting a signal inputted to said communication apparatus from outside into IP packets*" (for example see col. 3, lines 32-39; col. 5, line 56 through col. 7, line 53).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to incorporate **Edholm**'s IP telephone in place of **Gerszberg**'s digital phone, with the motivation being to provide a telephony device which can simultaneously transmits and receives packetized streaming voice data without encumbrances imposed by existing data communication or protocols as disclosed in **Edholm**: col. 2, lines 17-23.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakajima, Yasunori (U.S.6,839,341), **Riemann et al.** (U.S.5,892,764) and **Eguchi et al.** (U.S.2005/0147085) are all cited to show system and method for improving telephone communication service in telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Application/Control Number:
10/511,601
Art Unit: 2616

Page 8

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street,
Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office, whose telephone
number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Tri H. Phan/
December 14, 2007